



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the matter of the PATENT application of

Joint Inventor Nenad Krtolica
Joint Inventor Dalibor Kukoleca

Title STANDARD BASED FIREWALL ADAPTER
FOR COMMUNICATION SYSTEMS AND METHOD

Ser.No. 10\676,174
Filed October 2, 2003

Patent Examiner Ellen C. Tran
Art Unit 2134
(571) 272-3842

* * * * *

Commissioner for Patents
Washington D.C. 20231

April 19, 2007

FIRST RESPONSE
by way of
DECLARATION
UNDER 37 CFR 1.131

Sir;

STATUS

Claims 1-20 of this application stand rejected under 35 USC 102(e) because the invention was described in the United States application of another before the filing date by the applicants. The Xie application (US-2004/0059942 A1) was filed on September 20, 2002 (thirteen months before applicants' filing date) and published on March 25, 2004 (five months after applicants' filing date).

SUMMARY OF FACTS

Early in 2002, prior to the filing date of Xie, applicants conceived and developed a working prototype of the computer program for their Firewall Adapter invention. Applicants conferred with patent counsel concerning the working prototype. During the summer of 2002 applicants' employer underwent a corporate reorganization from VivoCom LLC to Adriacomm LLC. This eight-month period of change in corporate structure and

refinancing coincided with the bursting of the "Dot Com Bubble of 2000", and slowed development of the final production computer program. During this reorganization period applicants reformed the code, and enhanced the voice/video (real time) and transport communication protocol (TCP) features of their Firewall Adapter invention. The first production computer program was completed during the summer of 2003, just prior to filing this patent application.

DECLARATIONS

Applicants, Nenad Krtolica and Dalibor Kukoleca, submit declarations herewith in support of this early 2002 effort. The two declarations make reference to the following Exhibits:

Exhibit A - Claim Outline - footer date June 3, 2002. This claim outline (electro-static copy) shows keywords for 17 claims on the early 2002 working prototype. The June 2002 claim outline was printed on goldenrod paper stock, which has introduced a light gray background into the copy presented herewith.

Exhibit B - Rough Draft Claims 1-17 - footer date June 3, 2002. These claims (electro-static copy) are the 17 claims noted in Exhibit A claim outline. The June 2002 claims were printed on pink paper stock, which has introduced a light gray background into the copy presented herewith. The longhand notes appearing in the margins of these sheets and in the text of the claims, were the product of post 03 June 2002 work sessions during the reorganization period.

Exhibit C - Debit for Services - dated June 3, 2002. This debit (electro-static copy) indicates under the entry "Viv 12 FW.Adr - Firewall Adaptor - Patent Application" that applicants' patent attorney, Paul Hentzel, prepared the claim outline noted in Exhibit A

claim outline, edited claims noted in Exhibit B rough draft of the claims, and performed other patent application preparation actions between 09 May 2002 and 03 June 2002.

Exhibit D - Rough Draft of Written Description - footer date June 12, 2002. Exhibit D is rough draft of the supporting written description for the claims in Exhibit B rough draft of the claims. The longhand notes appearing in the margins of these sheets and in the text of the written description, were the product of post 03 June 2002 work sessions during the reorganization period.

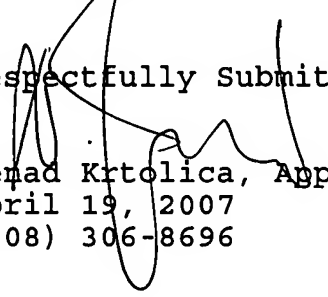
Exhibit E - Claim Outline - footer date July 21, 2003. This claim outline (electro-static copy) shows keywords for 19 claims of the 20 claims in applicants' filed application. The keywords of claims 1-5 of the later July 2003 outline (Exhibit E) are identical to the keywords of claims 1-5 of the earlier June 2002 prototype outline (Exhibit A). The keywords of claims 8-19 of the later July 2003 outline are identical to the keywords of claims 6-17 of the earlier June 2002 prototype outline. Claims 6 and 7 of the later July 2003 outline concern the TCP and voice and video embodiments developed during the reorganization period. The later July 2003 outline of these 19 claims was printed on goldenrod paper stock, which has introduced a light gray background into the copy presented herewith.

CONCLUSION

In view of the foregoing, applicants urge the Examiner to withdraw the 102(e) Xie rejection and allow applicants' claims 1-20.

enc.
2 Declarations
Return Postcard

Respectfully Submitted


Nenad Krstolica, Applicant
April 19, 2007
(408) 306-8696



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the matter of the PATENT application of:

Joint Inventor Nenad Krtolica
Joint Inventor Dalibor Kukoleca

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DECLARATION
OF NENAD KRTOLICA
REGARDING THE FACTS SURROUNDING
THE EARLY CONCEPTION AND REDUCTION TO PRACTICE
OF THE ABOVE PATENT APPLICATION

I Nenad Krtolica, joint inventor of the above patent application, hereby declare that:

1) I was Chief Technical Officer for VivoCom LLC from late 2001 until mid 2002, and I am familiar with the invention and patent affairs thereof, including the conception and development of the early 2002 working prototype of the computer program for our above Firewall Adapter invention.

2) I am now Chief Technical Officer of Adriacomm LLC, the successor company to VivoCom LLC, and I am familiar with the invention and patent affairs thereof, including the 2003 production computer program for our above Firewall Adapter invention.

3) Early in 2002 Dalibor Kukoleca and I conceived and developed an early prototype of the computer program

for our above Firewall Adapter invention, which included such features as client ports, standard aware firewalls, servers, tunneling, and multiplexing.

4) Early in 2002, VivoCom LLC engaged the services of a patent attorney, Paul Hentzel, to prepare a patent application on the Firewall Adapter invention. Dalibor Kukoleca and I met with Paul Hentzel during February and April of 2002 to discuss the claim outline (see Exhibit A) and the claims (see Exhibit B) and the supporting written description (see Exhibit D) for our Firewall Adapter invention. The attorney docket number for this 2002 effort was Viv 12 FW.Adr.

5) In June of 2002, VivoCom LLC received a debit from Paul Hentzel concerning these early services (see Exhibit C).

6) During an eight-month reorganization period beginning in the summer of 2002, Dalibor Kukoleca and I developed improvements in the computer program for our Firewall Adapter prototype, such as reformatting the code to provide more efficient and faster execution, and enhancing the voice/video (real time) and transport communication protocol (TCP) features.

7) After the reorganization period, Dalibor Kukoleca and I continued working with Paul Hentzel on our Firewall Adapter invention (see Exhibit E), and on October 2, 2003, filed the present patent application on the early 2002 working prototype incorporating the 2003 improvements. The attorney docket number for this 2003 effort was changed to Adr 10 FW.Adr.

8) I further declare:

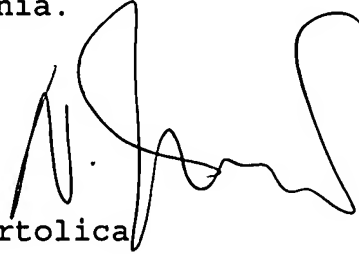
that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above application or any patent issued thereon; and

that this statement was executed on 04/22 in San Jose, California.

Signed

Nenad Krtolica

A handwritten signature in black ink, appearing to be 'N. Krtolica', written over the printed name.

OUTLINE FOR CLAIMS

Sending/Receiving Units/Systems
 Communication Network
 Firewall - Standard Aware - information
 Providing Firewall Adapter
 Determining Send Adapter Port
 Establishing Communication
 Multiplexing
 Sending
 Receiving
 DeMultiplexing

STANDARD BASED

fx** 2) Standard Aware is Standard Based

FIREWALLS

fx** 3) One Firewall

fx** 4) Two Firewalls S/R

COMMUNICATION NETWORK

fx** 5) Network Protocol

*

fx * ** 6) Internet

*

fx * ** 7) WAN

*

fx * ** 8) LAN

PORT DETERMINATION

fx** 9) Select Port

fx** 10) Range of Ports

fx** 11) PreDetermined

*

fx * ** 12) Default Port

*

fx * ** 13) HTTP Port

fx** 14) S/R same determined port

CHANNEL

fx** 15) Open Channel

PROXY

fx** 16) Proxy Server

* Directing - public address

* Redirecting private address

*

* ** 17) Translating

Exhibit A - SN 10\676,174
 Inventors Krtolica/Kukoleca
 One Sheet

REV
16521
4 3 5 15

WE CLAIM AS OUR INVENTION

- 1 1) A method of communicating information
2 from a sending client unit within a send computer system
3 to a receiving client unit within a receive computer
4 system, over a communication network through a send
5 firewall and/or a receive firewall, each client unit
6 having a standard aware communication application
7 for processing the information through a plurality of
8 client ports, comprising the steps of:
9
10 providing
11 a send firewall adapter
12 in the send system and
13 a receive firewall adapter
14 in the receive system,
15 for controlling the passing
16 of information through the firewall(s);
17
18 determining
19 a send port
20 in the send firewall adapter and
21 a receive port
22 in the receive firewall adapter,
23 from a plurality of
24 firewall network ports;
25
26 establishing
27 a network connection between
28 the send system and the receive system;
29
30 multiplexing the information
31 from the plurality of client ports
32 in the sending client unit
33 into the determined send port;
34
35 sending the multiplexed information
36 through the determined send port
37 into the communication network;
38
39 receiving the sent multiplexed information
40 out of the communication network
41 through the determined receive port;
42
43 demultiplexing the received information
44 from the determined receive port
45 into the plurality of client ports
46 in the receiving client unit;
47
48 for communicating information
49 from the sending client unit
50 to the receiving client unit. #.

Nov?

Exhibit B - SN 10\676,174
Inventors Krtolica/Kukoleca
Four Sheets

Standard Based

- 1 2) The method of Claim 1#, wherein
- 2 the standard aware communication application
- 3 within each client unit is standard based #.

FIREWALLS

One Firewall

- 1 3) The method of Claim 1#, wherein
- 2 the firewall is a single firewall between the
- 3 communication network and either the send system or the
- 4 receive system #.

Two Firewalls

- 1 4) The method of Claim 1#, wherein
- 2 the firewall is at least two firewalls,
- 3 a send firewall between the communication network
- 4 and the send system and
- 5 a receive firewall between the communication network
- 6 and the receive system #.

COMMUNICATION NETWORK

Protocol

- 1 5) The method of Claim 1#, wherein
- 2 the communication network
- 3 has a communication protocol
- 4 for communicating information #.

Internet

- 1 6) The method of Claim 5#, wherein
- 2 the communication network
- 3 is the internet #.

WAN

- 1 7) The method of Claim 5#, wherein
- 2 the communication network
- 3 is a wide area network #.

LAN

- 1 8) The method of Claim 5#, wherein
- 2 the communication network
- 3 is a local area network #.

*international
NW or
FNETs
all NW
global NW*

*more
than
one*

*now
electronic
com NW
computer
networks
is connect
organizational
computer
around
world*

PORT DETERMINATION

Select Port

- 1 9) The method of Claim 1#, wherein the determined
 2 ~~send port and receive port~~ is selected by the send
 3 system #.

Range of Ports

- 1 10) The method of Claim 1#, wherein the determined
 2 ~~send port and receive port~~ is selected from a range of
 3 firewall network ports #.

Predetermined

- 1 11) The method of Claim 1#, wherein the determined
 2 ~~send port and receive port~~ is predetermined #.

Default

- 1 12) The method of Claim 11#, wherein the determined
 2 ~~send port and receive port~~ is a default network port
 3 #.

Default HTTP - 80

- 1 13) The method of Claim 12#, wherein the determined
 2 default network port is the HTTP network port #.

Send = Receive

- 1 14) The method of Claim 1#, wherein the determined
 2 send port is the same network port as the determined
 3 receive port #.

CHANNELS

- 1 15) The method of Claim 1, further comprising before
 2 the sending step the additional step of:
 3
 4 opening a logical communication channel
 5 within the determined send port #.

PROXY SERVER

1 16) The method of Claim 1, further comprising
2 between the sending step and the receiving step the
3 additional steps of:
4
5 directing the information
6 from the send system to a proxy server
7 within the communication network,
8 at a public address of the receive system
9 known to the send system; and
10
11 redirecting the information
12 from the proxy server to the receive system,
13 at a private address of the receive system
14 known to the proxy server #.

1 17) The method of Claim 16, further comprising after
2 the directing step and before the redirecting step, the
3 additional step of:
4
5 translating by the proxy server,
6 the public address of the receive system to
7 the private address of the receive system #.